

50153

AGREEMENT

Made the 11TH day of April, 2002, by and between Madd Flow Industry, Inc. t/a The Boom Boom Room (hereinafter "Applicant"), and Advisory Neighborhood Commission 5B (hereinafter "Protestant").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter "the Board") an application (No. 50153) for a Retailer's License Class CN for premises 1960 Montana Avenue, N.E.; and,

WHEREAS, Protestant lodged with the Board a protest of said application; and,

WHEREAS, the parties subsequently have negotiated in an effort to resolve the issues raised by Protestant's objections to issuance of the license; and,

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to 23 D.C.M.R. Section 1513, commemorating their several agreements;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will keep the exterior of its premises, including the parking lot and sidewalk adjoining its premises, and the immediate environs of its premises, in a clean and litter-free condition.
2. Applicant will provide for additional patron parking to accomodate approximately 50 vehicles at the U-Haul facility at the corner of Montana Avenue and Bladensburg Road, N.E.
3. Applicant will post signs to encourage its patrons not to disturb the residential neighborhood adjoining the Bladensburg Road corridor. Applicant will make public announcements to the same effect nearing its closing hour.
4. Applicant will employ a professional security team for crowd control, age

identification, and to ensure peace and order on applicant's premises and within the immediate environs on the exterior of the premises. Applicant's security team will be sufficient in number to meet the commitments made herein. Applicant will have on duty during events not less than ~~15~~²⁵ security personnel; and at least 10 at large events. RC
E.D

5. To ensure against underage drinking, applicant will require patrons to produce valid identification prior to entering the establishment. Patrons 21 years of age and older will have a bright colored tamper resistant wristband secured on their wrists. Bartenders and security personnel will monitor patrons to deter underage patrons from being served or consuming alcoholic beverages inside the establishment.

6. Applicant's principal will endeavor to attend ANC 5B meetings on a regular basis when practicable. At a minimum, applicant's principal will attend four (4) meetings per calendar year.

7. Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 1 through 5, inclusive, above, will constitute grounds for the Protestant to petition the Board for issuance of an Order to Show Cause, pursuant to 23 D.C.M.R. §1513.5, to gain Applicant's compliance with the terms of this Agreement. Prior to so petitioning, however, the Protestant shall notify Applicant of any perceived violations and afford Applicant a minimum of fourteen (14) calendar days in which to address or rectify the perceived violation.

8. The parties request that the text of the instant Agreement be incorporated in an order of the Board granting Applicant's renewal application, conditioned upon Applicant's compliance with the terms hereof.

9. In consideration of, and reliance upon, the foregoing commitments by Applicant, Protestant requests hereby that its protest of Applicant's application for the subject Retailer's

License Class CN be deemed withdrawn.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the
year and day first above written.

MADD FLOW INDUSTRY, INC.

By: Eugenia Dickerson
Eugenia Dickerson
President

ADVISORY NEIGHBORHOOD
COMMISSION 5B

By: Rhonda Chappelle
Rhonda Chappelle
Chairperson

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Madd Flow Industry, Inc.
t/a The Boom Boom Room

Application for a Retailer's Class
CN (new)

at premises
1960 Montana Avenue, N.E.
Washington, D.C.

Case no. 50153-02/003P
2002-83

Rhonda Chappelle, Chairperson, Advisory Neighborhood Commission 5B, Protestant

Michael D. Fonseca, Esquire, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy A. Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey E. Thompson, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on December 5, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Rhonda Chappelle, Chair, on behalf of the Advisory Neighborhood Commission 5B, filed opposition in a timely manner.

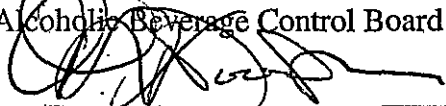
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated April 11, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

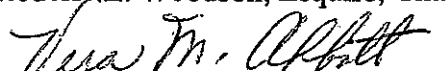
Madd Flow Industry, Inc.
t/a The Boom Boom Room
Page two

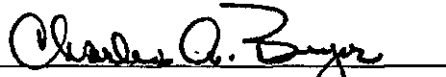
Accordingly, it is this 22nd day of May 2002, **ORDERED** that:

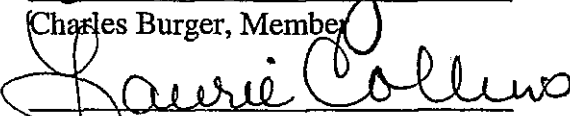
1. The opposition of Rhonda Chappelle, Chair, on behalf of the Advisory Neighborhood Commission 5B, is **WITHDRAWN**;
2. The application of Madd Flow Industry, Inc. t/a The Boom Boom Room for a retailer's class CN (new) license located at 1960 Montana Avenue, N.E., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties, is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant, the Applicant, and the Attorney for the Applicant.

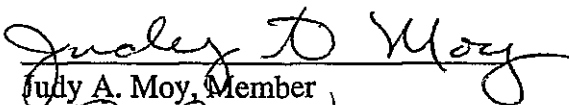
District of Columbia
Alcoholic Beverage Control Board

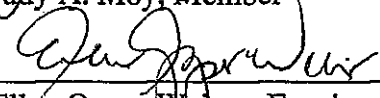

Roderic L. Woodson, Esquire, Chair

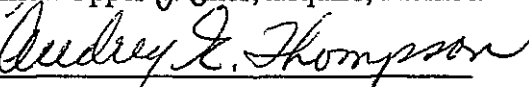

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy A. Moy, Member


Ellen Oppenheimer, Esquire, Member


Audrey E. Thompson, Member